

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

BERNADETTE M. MORLEY-MOWER, <i>et</i>)	
<i>al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 5:16-mc-1
v.)	
)	By: Elizabeth K. Dillon
PROFESSIONAL FORECLOSURE)	United States District Judge
CORPORATION OF VIRGINIA,)	
SUBSTITUTE TRUSTEE, <i>et al.</i> ,)	
)	
Defendants.)	

MEMORANDUM OPINION

Plaintiff Bernadatte M. Morley-Mower, proceeding *pro se*, commenced this action on January 4, 2016, by filing a Complaint for Temporary Restraining Order, Preliminary Injunction and Declaratory Relief (Complaint). (Dkt. No. 1.) Defendants Professional Foreclosure Corporation of Virginia and PHH Mortgage Corporation filed a motion to dismiss the complaint pursuant to Federal Rule of Civil Procedure 12(b)(6). (Dkt. No. 6.) In accordance with 28 U.S.C. §§ 636(b)(1)(B), the court referred the motion to Magistrate Judge Joel C. Hoppe for a report and recommendation (R&R).

On June 21, 2016, the magistrate judge issued his R&R, recommending that the court grant the motion to dismiss, deny plaintiff's request for injunctive relief, and dismiss the complaint. (Dkt. No. 15 at 1, 7–8.) He also advised the parties of their right under 28 U.S.C. § 636(b)(1)(C) to file written objections to his proposed findings and recommendations within 14 days of service of the R&R. (*Id.* at 8.) He further warned that a failure to file timely written objections could waive appellate review. (*Id.*)

The deadline to object to the R&R has passed, and no party timely filed an objection.

“[I]n the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’” *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

The court has reviewed the record in this case and is satisfied that there is no clear error on its face. Accordingly, the court will adopt the R&R, grant the defendants’ motion to dismiss (Dkt. No. 6), deny plaintiff’s request for injunctive relief, and dismiss the complaint.

An appropriate order will follow.

Entered: July 13, 2016.

/s/ Elizabeth K. Dillon

Elizabeth K. Dillon
United States District Judge